

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:12-cv-00705-FDW
(3:03-cr-153)

| | | |
|---------------------------|---|-------|
| JEREMIAH TEETER, |) | |
| |) | |
| Petitioner-Defendant, |) | |
| |) | ORDER |
| vs. |) | |
| |) | |
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Respondent. |) | |

UPON MOTION of the Petitioner-Defendant Jeremiah Teeter (Defendant in Case No. 3:03-cr-153) (Doc. No. 3) with consent of Respondent United States of America (Doc. No. 5), the court hereby VACATES the conviction and sentence of Petitioner-Defendant for violation of 18 U.S.C. § 922(g)(1), dated February 23, 2005 (Case No. 3:03-cr-153).


Based upon the United States' waiver of the statute of limitations and United States v. Simmons, 649 F.3d 237 (4th Cir. 2011), the Court finds the Respondent-Defendant actually innocent of Count One of the Bill of Indictment.

THEREFORE, the Petitioner-Defendant is hereby ordered released from the United States Bureau of Prisons, and,

WHEFORE, the Clerk of Court is directed to certify copies of this Order to the United States Marshal's Service and the United States Bureau of Prisons.

IT IS SO ORDERED.

Signed: December 17, 2012



Frank D. Whitney
United States District Judge

